

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Application for) DOCKET NO. 930417-TI
Certificate to provide) ORDER NO. PSC-93-1080-FOF-TI
Interexchange Telecommunications) ISSUED: 7/26/93
Services with Alternative)
Operator Services by KIRBY)
COMMUNICATIONS INTERNATIONAL,)
INC.)
_____)

The following Commissioners participated in the disposition of this matter:

J. TERRY DEASON, Chairman
THOMAS M. BEARD
SUSAN F. CLARK
JULIA L. JOHNSON
LUIS J. LAUREDO

NOTICE OF PROPOSED AGENCY ACTION
ORDER GRANTING CERTIFICATE

BY THE COMMISSION:

NOTICE IS HEREBY GIVEN by the Florida Public Service Commission that the action discussed herein is preliminary in nature and will become final unless a person whose interests are substantially affected files a petition for a formal proceeding in accordance with Rule 25-22.029, Florida Administrative Code.

On April 22, 1993, Kirby Communications International, Inc. filed an application for a certificate to provide interexchange telecommunications services. Its application contains the required background information and its proposed tariffs. The application also indicated that Kirby Communications International, Inc. intends to provide alternative operator services. After having considered the application, it appears that it is in the public interest to grant, and we hereby propose to grant to Kirby Communications International, Inc., a certificate to provide interexchange telecommunications services. Interexchange telecommunications services providers are charged with the responsibility of complying with the appropriate provisions of Chapter 364, Florida Statutes, and Chapters 25-4 and 25-24, Florida Administrative Code. In addition, interexchange telecommunications services providers are prohibited from constructing facilities to bypass a local exchange company without express prior approval from this Commission pursuant to the provisions of Order No. 16804,

ORDER NO. PSC-93-1080-FOF-TI
DOCKET NO. 930417-TI
PAGE 2


issued November 4, 1986. Further, alternative operator services providers are subject to our decisions in Docket No. 871394-TP, including, but not limited to Order No. 20489, issued December 21, 1988.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that the application by Kirby Communications International, Inc. for a certificate to provide intrastate interexchange telecommunications services and alternate operator services is hereby granted, as set forth in the body of this Order. It is further

ORDERED that, unless a person whose substantial interests are affected by the action proposed herein files a petition in the form and by the date specified in the Notice of Further Proceedings or Judicial Review, below, the certificate shall become effective on the following date and this docket shall be closed.

By ORDER of the Florida Public Service Commission, this 26th day of July, 1993.



STEVE TRIBBLE, Director
Division of Records and Reporting

(S E A L)

RJP

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.59(4), Florida Statutes, to notify parties of any administrative hearing or judicial review of Commission orders that is available under Sections 120.57 or 120.68, Florida Statutes, as well as the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative hearing or judicial review will be granted or result in the relief sought.

ORDER NO. PSC-93-1080-FOF-TI
DOCKET NO. 930417-TI
PAGE 3

The action proposed herein is preliminary in nature and will not become effective or final, except as provided by Rule 25-22.029, Florida Administrative Code. Any person whose substantial interests are affected by the action proposed by this order may file a petition for a formal proceeding, as provided by Rule 25-22.029(4), Florida Administrative Code, in the form provided by Rule 25-22.036(7)(a) and (f), Florida Administrative Code. This petition must be received by the Director, Division of Records and Reporting at his office at 101 East Gaines Street, Tallahassee, Florida 32399-0870, by the close of business on August 16, 1993.

In the absence of such a petition, this order shall become effective on the day subsequent to the above date as provided by Rule 25-22.029(6), Florida Administrative Code.

Any objection or protest filed in this docket before the issuance date of this order is considered abandoned unless it satisfies the foregoing conditions and is renewed within the specified protest period.

If this order becomes final and effective on the date described above, any party adversely affected may request judicial review by the Florida Supreme Court in the case of an electric, gas or telephone utility or by the First District Court of Appeal in the case of a water or wastewater utility by filing a notice of appeal with the Director, Division of Records and Reporting and filing a copy of the notice of appeal and the filing fee with the appropriate court. This filing must be completed within thirty (30) days of the effective date of this order, pursuant to Rule 9.110, Florida Rules of Appellate Procedure. The notice of appeal must be in the form specified in Rule 9.900(a), Florida Rules of Appellate Procedure.